

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**NOVEMBER 18, 2009**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nelson** called the City Council meeting to order.

**INVOCATION/PLEDGE**

**Roger Schalm**, Pastor of the First Presbyterian Church, gave the invocation. **Frankie Vasquez**, Grounds Maintenance Supervisor, led the City Council in the pledge of allegiance.

**ROLL CALL**

Councilmembers Present: Shoop, Mendoza, Beeson, McClendon, Nicholls, Johnson and Mayor Nelson  
Councilmembers Absent: none  
Staffmembers Present: City Administrator, Mark Watson  
Deputy City Administrator, Bob Stull  
Assistant City Attorney, Richard Files  
Principal Planner, Jennifer Albers  
Senior Planner, Noah Cullis  
Various Department Heads or their representative  
City Clerk, Brigitta M. Kuiper

**FINAL CALL**

**Mayor Nelson** made a final call for the submission of Speaker Request Forms from members of the audience.

**PRESENTATIONS** - none

**COMMUNICATIONS / FACTUAL RESPONSES**

**Watson** announced that the use of temporary signs is now available to those businesses located in construction zones.

**Motion** (Beeson/McClendon): To recess to Executive Session. Voice vote: **adopted** 7-0. The meeting recessed at 5:33 p.m. The meeting reconvened at 5:55 p.m.

**Continuance of Specific Ordinances**

**Motion** (McClendon/Johnson): To continue Ordinance O2009-67 (Annexation Area A2009-13: East Mesa at Avenue 9E; Trail Estates) to the December 2, 2009 Regular City Council Meeting. Voice vote: **adopted** 7-0.

**Motion** (McClendon/Johnson): To continue Ordinance O2009-64 (Annexation Area A2009-03: Avenue 9½ E and 32<sup>nd</sup> Street, Del Sur, Bonita Mesa, et al) to the December 2, 2009 Regular City Council Meeting. Voice vote: **adopted** 7-0.

## **I. CALL TO THE PUBLIC**

**Diane Ewing**, 9383 E. Corral Street, drew attention to certain discrepancies she found in the *Special Durable Powers of Attorney* for the Del Sur Subdivision.

**Carolyn Knowlton**, 9345 Wagon Wheel, expressed opposition to the City limiting the number of times speakers are allowed to speak.

**Monica DeLeon**, 3602 Cooke Street, alleged that she is the target of hate crimes and identity theft.

**Cynthia Frederick**, 11379 S. Adams Avenue, urged City Council to listen to residents who are opposed to the Del Sur Subdivision annexation.

**Susan Fuquay**, 9474 E. Ranch Drive, stated the City does not have enough signatures to move forward with the annexation due to discrepancies with the *Special Durable Powers of Attorney*.

**Jack Kretzer**, 716 W. Queens Place, noted that City employees will now have to take furloughs. The City should cut salaries across the board rather than City services.

**Shereen Khan-Guinn**, 560 E. Palo Verde, reiterated past comments reporting criminal and fraudulent activities against her by the very agencies that should be providing her protection. **Watson** stated that he met with Guinn and her husband and will be working with them to resolve the issues.

## **II. MOTION CONSENT AGENDA**

**Motion** (Beeson/Nicholls): To adopt the Motion Consent Agenda as recommended. Voice vote: **approved** 7-0.

### **A. Approval of minutes of the following City Council meetings:**

Regular Council Meeting	October 7, 2009
Special Worksession	October 15, 2009
Special Worksession	October 20, 2009
Regular Worksession	October 20, 2009

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Approve an amendment to the City of Yuma 2007-2010 CDBG Consolidated Plan that uses unprogrammed funds and unspent funds from cancelled and completed activities to initiate budgets for new activities and add funds to current activities. (Admin/EcDev)
3. Authorize the City Administrator to execute three subrecipient agreements (Crossroads Mission, Housing America Corporation and The Salvation Army) in the total amount of \$345,363.41 in accordance with the Amended 2007-2010 Consolidated Plan and Amended 2009 Community Development Block Grant Action Plan. (Admin/EcDev)
4. Accept a recommendation to modify the 10th Street alignment between Avenue A and 14th Avenue. (DCD/Planning)
5. Authorize execution of an Intergovernmental Agreement with the Yuma County Flood Control District for Casa Mañana subdivision storm drain cost reimbursement. (Eng)
6. Approve the Intergovernmental Agreement with Yuma County Improvement District No. 07-09 for the B & C Colonia. (Utilities)

III. RESOLUTION CONSENT AGENDA

Nicholls declared a conflict of interest on R2009-88 and requested it be removed for separate consideration.

Mayor Nelson asked that the speaker for Resolution R2009-85 address the City Council.

**Resolution R2009-85: Support for Marine Corps Air Station – Yuma (MCAS) as a Primary Site for the F-35 Joint Strike Fighter Squadrons.**

Lucille Hunter, 3013 W. 14<sup>th</sup> Street, stated that the December 2007 Marine training exercise caused \$31,545 worth of damage to her home. She alleged that Centennial School was also damaged during an exercise, but no one heard about it. She's done everything to resolve the matter short of suing.

**Motion** (Johnson/Beeson): To approve the Resolution Consent Agenda, as recommended, with the exception of R2009-88, which was removed for separate consideration.

Kuiper displayed the following titles:

**Resolution R2009-83**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Development Agreement with La Posada housing, LLC, permitting deferral of Citywide Development fees and Water and Sanitary Sewer Capacity fees for the real property identified as Parcel 2 of the La Posada Lot Split and authorizing reimbursement for a portion of the**

**construction costs in extending 30th Street and associated street lighting and water and sanitary sewer infrastructure**

(Development Agreement: La Posada Housing, LLC) (Admin/EcDev)

**Resolution R2009-84**

**A resolution of the City Council of the City of Yuma, Arizona, declaring and adopting the official canvass of the results of the General Election held on November 3, 2009**

(Admin/Clerk)

**Resolution R2009-85**

**A resolution of the City Council of the City of Yuma, Arizona, supporting the Marine Corps Air Station Yuma (MCAS Yuma) as a primary training site for the F-35 Joint Strike Fighter Squadrons**

(Attny)

Roll call vote: **adopted** 7-0.

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**Resolution R2009-88: Amend Intergovernmental Agreement with Arizona Department of Transportation (ADOT) for the Area Service Highway (ASH)**

**Watson** explained that the Intergovernmental Agreement with ADOT for the ASH includes the designation of Araby Road (Avenue 6½ E) as a State Route. ADOT has narrowed its options for a connection between the north end of the ASH at Interstate 8 and Highway 95 to four alternatives, including Araby Road. In order for all the alternatives to be fairly evaluated, this provision needs to be removed.

**Motion** (Beeson/Mayor Nelson): To add the following language to Resolution R2009-88:

It is further resolved that such amended IGA shall be signed by the appropriate City of Yuma officials.

Roll call vote: **adopted** 6-0-1; Nicholls abstaining due to a conflict of interest.

**Kuiper** displayed the following title:

**Resolution R2009-88, as amended**

**A resolution of the City Council of the City of Yuma, Arizona, directing the City Administrator to proceed with an amendment to the 1999 Intergovernmental Agreement (IGA) with the Arizona Department of Transportation, and amendment thereto, for the Area Service Highway removing Section II.6 which designates Araby Road (Avenue 6½ E) as a State route and encouraging other local jurisdictions participation in the IGA to adopt similar resolutions to removed Section II. 6 from the IGA**

(Admin)

**Motion** (Shoop/Johnson): To approve R2009-88, as amended. Roll call vote: **adopted** 6-0-1; Nicholls abstaining due to a conflict of interest.

## VI. PUBLIC HEARINGS

**Mayor Nelson** changed the agenda order at this point in the meeting, moving the Public Hearings forward, as follows:

**Resolution R2009-87: General Plan Amendment for Estancia** – Request to amend the General Plan land use designation of 70 properties generally located south of County 15 ½ Street, north of County 19<sup>th</sup> Street, east of Avenue A and west of Avenue 4E from Rural Density Residential to various other designations. The Planning and Zoning Commission recommended denial. Applicant: Ron Cantrell of Psomas Engineering on behalf of Estancia, L.L.C. (GP2009-003) (DCD/Planning)

**Mayor Nelson** opened the Public Hearing at 6:35 p.m.

**Albers** briefed the City Council on the Estancia project as follows:

- General Plan amendment for property south of Yuma, approximately 3,741.5 acres.
- Amendment will change the current land use designation of Rural Density Residential to a mix of land uses
- Amendment will expand the area of the City of Yuma General Plan south of County 17<sup>th</sup> Street to include the Estancia Development.
- The area is primarily agriculture and bounded mostly by agricultural uses or large lot residential – 2 to 5 acre lot sizes.
- The eastern boundary is the Barry M. Goldwater Range (BMGR)
- A neighborhood meeting was held and public comments were received in opposition to the proposal.
  - Five email letters and one phone call were received in opposition
  - Many contacts have requested more information
- Two public hearings were held by the Planning and Zoning Commission in which denial of the proposal was recommended.

The following individuals spoke in favor of the project:

- **Wayne Benesch**, attorney representing Estancia, L.L.C., 230 W. Morrison Street
- **Ron Cantrell**, Psomas Engineering, 3800 N. Central Avenue, Suite 1200, Phoenix
- **Maj. James Combs**, Marine Corps Air Station – Yuma (MCAS), stated that MCAS does not oppose or have any concerns with the proposed development. He asked that any questions or concerns that he is unable to immediately answer be emailed or phoned to him so he can research and provide the proper information back to City Council.
- **Mark Spencer**, Associated Citrus Packers, partner with Estancia, LLC, 13100 Avenue 4E
- **Dan Chavez**, farmer for Associated Citrus Packers, 2704 Pinewood Lane
- **Glen Spike Curtis**, Curtis Family Citrus, partner with Estancia, LLC, 2251 E. 27<sup>th</sup> Street
- **Bill Meinhardt**, 14492 Avenue 3E
- **Robert Barkley**, 4562 W. 32<sup>nd</sup> Street
- **Bob Woodman**, 13388 Avenue 5E
- **Howard Gwynn**, 4251 W. County 12<sup>th</sup> Street
- **Phil Henry**, 1689 County 16<sup>th</sup> Street
- **Paul Milcher**, Yuma County Planning Director, 2351 W. 26<sup>th</sup> Street, stated the County is not participating in the General Plan amendment because the property is in the City.

The following individuals spoke in opposition to the project:

- **Bobby McDermott**, 1423 W. 17<sup>th</sup> Street
- **John R. Phipps**, 15205 Avenue 4E
- **Charles Saltzer**, 15470 Avenue 4E
- **McDermott James**, 3540 W Sun Street
- **John Colvin**, 3619 S. Pitahaya Drive
- **Jack Kretzer**, 761 W. Queens Place
- **Sam Oppenheimer**, 3836 E. Chaparral Way
- **E. Wullenweber, Jr.**, 625 S. 9<sup>th</sup> Avenue
- **Lucy Shipp**, 2275 W. Chico Lane
- **Lucille Hunter**, 3013 W. 14<sup>th</sup> Street

Public Comments:

- The City of Yuma has limited space for future growth
- MCAS and the Agriculture industry needs to be protected
- MCAS, the agriculture industry and the declining citrus industry were all considered in the design of Estancia
- The approved annexation was based on anticipation of the approval of the concept plan for Estancia
- The developer has worked closely with City staff and MCAS to allow flexibility in the City's future growth without encroachment on the military base, noise contours or the bombing range.
- MCAS has agreed to the densities as planned; a one mile buffer from the BMGR would be measured from the Area Service Highway (ASH)
- Properties next to the range will be zoned Suburban Ranch 2-acre lots
- Intensity of land use will be worked out through a Smart Growth Overlay District which spells out all rules, regulations, and design standards to accommodate the blending of densities and/or buffer zones.
- Discussions of the loss of irrigation water rights brought concern; however, Yuma Mesa Irrigation District has expressed their support of the proposed project.
- Arizona State law requires City Council approval of any major land use change to the General Plan
- The project is viable, sustainable and fits well within the City's 2002 General Plan
- MCAS is in support of the Estancia project; MCAS staff has studied the project and does not have any concerns.
- Concerns of increased traffic by the main gate of MCAS have been expressed.
- The City wants to protect MCAS; would the proposed amendment appear as encroachment for the future of the F-35 and BMGR?
- The amendment will not affect the F-35 coming to MCAS.
- There are no munitions along the bordering region; safety concerns are not an issue.
- Arizona State Law requires purchasers of home to be informed of avigation easements.
- The citrus industry is dying in Yuma; Mexico can produce the product much cheaper.
- Yuma deserves a good long-term plan.
- There is a lack of infrastructure and need for the subdivision.
- The timing is bad for Estancia; it is poor planning and could prove difficult for future City Councils.
- Approving the amendment after the P&Z Commission recommended denial is snubbing the hard work put into the recommendation.
- The County chose not to participate in the project because the property has been annexed into City limits.

- Why is this project moving so fast?
- People will eventually lose portions of their property for the infrastructure.
- MCAS is needed more in the community than this project.
- When land becomes non-viable the farmers must find a way to make it viable; the Estancia project is an attempt to do that.
- MCAS has stated that the Estancia project will not infringe upon their mission.
- Agriculture can not compete with development for water.
- Development is going to happen and the City Council needs to weigh the interests of all the parties involved.
- This project may not immediately happen but the City Council needs to sit back and evaluate the project.
- Farming in the valley versus the mesa is completely different, the valley is old river bottom, richer soil, prime for produce whereas the mesa is sand, and would not sustain produce production.
- The Citrus industry in Yuma is struggling; it has become a quarantined state due to the Asian Citrus psyllid.
- The property owners want the opportunity to use their land as they wish within the law.
- Development never pleases everyone and has been encroaching on the agriculture for many years.
- The mesa, at one point, had a wide variety of citrus however the majority has been replaced by alfalfa which uses more water than citrus.
- When Estancia is developed, there will still be places to grow citrus due to the contour lines of MCAS.
- Why would urbanization be good for the MCAS?
- There currently is abundant land zoned within the City limits for development
- Estancia is not immediately necessary
- There is strong community concern that encroachment is a threat
- The F-35 could have a possible adverse noise footprint
- The land has been developed for farming for more than 40 years and it is sustainable.
- Where will the people work, will the development bring more foreclosures? Can the growth pay for the growth? Who will build the infrastructure? Who will have to pay for the infrastructure?
- Water rights will be jeopardized.
- There must be a 10-year plan in place prior to annexation, however there isn't one.
- The purpose of the Joint Land Use Plan (JLUP) was to protect MCAS from encroachment and the prime agriculture land in the valley.
- The JLUP was designed to prevent projects like Estancia from being developed.
- Estancia is a great project but it's in the wrong place.
- The amendment will recolor the General Plan map, showing 4,000 acres next to the BMGR as urban development which could result in the future closure of MCAS.
- Urban development next to bombing range will impact the mission of MCAS.
- Urban people will not tolerate the noise and will complain loudly, write letters and Washington will listen.
- Rural lifestyle has been established by those already living in the area.
- The City of Yuma is closer to MCAS than the Estancia project is.
- The north Yuma valley is the most fertile land, in regards to agriculture, and it is developing.
- There is more than one access point to Estancia such as County 14<sup>th</sup> Street, County 16<sup>th</sup> Street and eventually the ASH.
- It has taken years to get to a General Plan amendment for Estancia and it may be years before the development occurs.

- The Estancia project offers the Yuma area a great opportunity for planned orderly growth if the projected 4% growth rate is continued for the next ten years.
- Estancia presents tremendous opportunity; it will bring jobs and make Yuma more attractive to growth.
- Agriculture represents a huge economic impact to the community.
- This project is in the planning stage for 30 years from now, not zoning.
- There is no plan to plant new citrus trees due to the uncertainty of the lemon industry.
- Landowners have abided by noise contour regulations and this project follows county, city, airport, MCAS regulations.
- Suburban Development Study Area (SUDSA) was originally named the Urban Development Study Area.
- Compromise came out of planning and approving the 1996 JLUP which included the interim 2-acre minimum definition. The JLUP stated that development outside the 70 db zone could have one house on a 2-acre site and development outside the 65 db zone could have one house on a 2-acre site as an interim use until development of the SUDSA.
  - These marks were later removed from the JLUP because the County never did the SUDSA.
  - The County created a committee to participate in the SUDSA study. After one meeting it was determined that the SUDSA wouldn't be prepared as the County did not have the funding.
  - The JLUP also stated the following:
    - SUDSA should include an evaluation of the land uses, infrastructure, services and water needed to support "urban" development densities and intensities.
    - Work on the SUDSA should commence within 6 months of the date of adoption of the JLUP. Completion of the Study should be within 2 years with appropriate extensions as necessary.
    - SUDSA to include an implementation plan stipulating the requirements and financing methodology which provides for the public infrastructure and services
  - JLUP requires appropriate government agency to develop a fair and equitable system for the appropriate infrastructure, within and outside the project, to be paid for by developers.
  - During the planning phase, nothing was mentioned regarding the protection of the BMGR or encroachment on it, just MCAS.
  - Development outside the 65 db noise contours was eligible for any kind of use up to and including high density residential.
  - During the Interim study period, it was understood that densities other than 2-acre minimums would be allowed if infrastructure issues, such as water, sewer and roads, were provided for by the developer.
  - Upon the adoption of the JLUP by both the City and the County, it was understood that within 4-5 years development would occur outside the 65 db zone and up to the range.
- Decision is on the General Plan amendment – not zoning.
- Concept of Estancia was developed w/ MCAS compatibility.
- Fortunately the City of Yuma and the military have been able to work together to create a vision for future growth that protects all of our economic foundations: military, agriculture and tourism.
- The Estancia project is what was supposed to occur 13 years ago under County regulations.
- Infrastructure is to be paid for by a Community Facilities Districts (CFD), where property owners tax themselves to pay for infrastructure.
- In Arizona, if a CFD goes bankrupt, City taxpayers are not affected.
- Homeowners buying into the Estancia subdivision would want to know the decibels of the F-35 Striker.



- There is a State-imposed limitation in which the State decides the boundary and determines if there will be an aviation easement in an area.
- Beginning 15 years ago, anybody who bought a home in Yuma had to sign an aviation easement.
- Estancia is good planning and will bring much needed jobs to Yuma for about 20 years.

#### Discussion

**Mayor Nelson** stated that during Senator McCain's visit to Yuma, he commented that the F-35 would probably be the last manned fighter this country ever builds. That is a significant statement and something that the City of Yuma will have to think about for the future. Furthermore, the City has been chastised for developing in the valley and not the mesa; now that the City is trying to develop on the mesa there is still criticism.

**Benesch** stated that there is a lot of misunderstanding and misinformation concerning the Estancia project. He pointed out that the applicants are long time residents – people who built this community. They have hired one of the best firms in the southwest to design the project. The land fits nicely in between the noise zones because it doesn't interfere with MCAS or the range.

In 1978 citrus was planted right up to the fence of MCAS. Shortly after the orange groves were planted a noise zone was imposed upon the property, taking away development rights. There is a river on the north side of Yuma, a valley to the west, prime agriculture farm land valley to the east and MCAS sits on the south central side of the City. Development in the valley has leap-frogged over MCAS and gone out to the Foothills where there plenty of land; but where do we go then? What is left? If Yuma is going to grow, there is no other area than the south east mesa.

Yuma has adopted a military airport ordinance in which the State has modeled their statute on. The State Statute and the City ordinance provide protection around the range for MCAS and the BMGR. MCAS approved the ASH which runs into the range; the one- mile buffer was implemented from the ASH.

This is strategic planning and it is not going to happen overnight. The traffic infrastructure will be addressed in the zoning phase. The City has in place some of the most onerous sewer, water and impact fees in place to make developers pay their way. The plan is to implement the Smart Growth Overlay (SGO); City Council recently approved the first SGO in which the entire development was outlined in a book down to the material that would be used.

The development of this project will not jeopardize water rights, as citrus shrinks, the need for water shrinks so it's better to have an alternate. Prime farm land can't be moved - MCAS can't be moved, or the lines that have been drawn around the base. Since City Council adopted a Preannexation Development Agreement for this property, he urged that the plan now be allowed to come forward.

**McClendon** expressed her concerns and stated that the City Council has not received sufficient information from MCAS.

**Benesch:** There is a chain of command that must be followed in decision making; the Colonel didn't make the decision alone, staff was consulted and it was cleared through the commander. Planes carrying ordinances can only fly on designated paths coming out of the airbase - if there were a risk it would not be allowed. There are protective devices in place to protect the citizens and the military. Every resident that

buys property in this project will have to sign an avigation easement, range disclosure and waiver of rights. When that is signed, it stays as a cloud on the title for the property.

**Nicholls** clarified that the Council isn't questioning the Colonel's decision but rather how his decision was reached after a recommendation of denial was presented from the Planning and Zoning Commission. There is more of a need to understand the process because it is a change in direction.

**Watson** stated that concerns on a few issues have been presented over the last couple of years. First, the one million dollar decision to build ASH through the range and where the one mile buffer would begin. Second, the F-35 plane has a horizontal take off; the initial analysis shows a narrower noise contour that is elongated on the line up on the main runways. There is a larger footprint based on older planes. The Colonel has identified that initially the F-35 would fit in that noise zone which will stretch out longer and thinner and will fit within the existing contours.

**Johnson** The 1978 Air Installation Compatibility Study was done when there was noisier aircraft than today's aircraft. When the JLUP was being reviewed, the City tried to implement the new noise study - pulling the noise boundaries in. The current noise zones were drawn for the F-4, an extremely noisy aircraft.

**Benesch** stated that the Planning and Zoning Commission's denial was a surprise. At the first P&Z Commission meeting the water issue and MCAS encroachment was addressed. At the second meeting no representatives from YMIDD or MCAS were there to rebut the presentations.

**Motion** (Shoop/Johnson): To close the Public Hearing on R2009-87, General Plan Amendment - Estancia. Voice vote: adopted 7-0; the Public Hearing closed at 9:53 p.m.

**Motion** (Johnson/Mayor Nelson): To approve R2009-87, General Plan Amendment - Estancia.

**Mendoza** gave an explanation of his vote:

- Concern of the noise levels of the F-35.
- City Council needs to respect P&Z Commission's recommendation of denial.
- The possibility of owners not knowing that avigation easements were in place on their properties.
- Previous MCAS Commanders have been very possessive of the base; why not this Commander?
- The project is huge - 4,000 acre master planned community similar to Laurel; however, the location is in wrong place.
- The City needs to protect military.
  - The City needs to revisit this amendment after the F-35 arrives in Yuma, because the noise level is currently unknown.
- Citrus production is down – Yuma is competing with an international market.
- Property rights work both ways.

**Beeson** stated that his primary concern is to see a strong military footprint in the community. MCAS on any level would not allow this to go forward with out the proper due diligence. This project protects military and agriculture.

**Nicholls** stated he is a property rights advocate; neighbors have an effect on each other, good or bad. The City has requested that developers move into the mesa and not in valley; somebody has been listening. The

airfield is the primary concern for encroachment and it is over two miles away. The project overall is good - any further issues could be addressed in the zoning phase.

**Mayor Nelson** reiterated that the project is still in a planning phase. If the noise contours change the City will deal with it at that time.

**Kuiper** displayed the following title:

**Resolution R2009-87**

**A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2002-34, the City of Yuma 2002 General Plan, to change the land use designation from Rural Density Residential and expand the area of the City of Yuma General Plan to include the following land uses: Resort, Recreation and Open Space, Public/Quasi-Public, Suburban, Low, Medium and High Density Residential, Mixed Use, Commercial, Business Park and Agriculture/Industrial for approximately**

**3,741.5 acres located south of County 15½ Street, north of County 19th Street, east of Avenue A and west of Avenue 4E**

(GP2009-003 - Estancia) (DCD/Planning)

Roll call vote: **adopted** 5-2; Mendoza and McClendon voting Nay.

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**Resolution R2009-86: Rezoning General Plan Text Amendment for Public Notice Sign Postings** – A Public Hearing to consider amending the City of Yuma General Plan on-site sign posting size requirement. (GP2009-002) (DCD/Planning)

**Mayor Nelson** opened the Public Hearing at 10:10 pm.

**Cullis** briefed the City Council on the project as follows:

- The General Plan text amendment is to amend the Public Participation Element to change the on-site sign requirement.
- The proposed amendment will change the sign dimension from 4' x 6' to 2' x 3'. Additional signs may be required depending on the size and configuration of the property.
- Two public hearings were held September 14, 2009 and October 12, 2009; the Planning and Zoning Commission forwarded a recommendation of approval.
- The change in sign size will allow for an effect on-site sign posting while decreasing the sign production and installation cost to the applicant.

**Motion** (Shoop/Mendoza): To close the Public Hearing on R2009-86. Voice vote: adopted 6-0; Johnson being temporarily absent. The Public Hearing closed at 10:13 p.m.

**Motion** (Shoop/Beeson): To adopt R2009-86, as recommended.

**Kuiper** displayed the following title:

**Resolution R2009-86**

**A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2002-34, the City of Yuma 2002 General Plan, to amend the text of the Public Participation element of the City of Yuma 2002 General Plan for the on-site posting size requirement from 4' x 6' to 2' x 3' (GP2009-002) (DCD/Planning)**

Roll call vote: **adopted** 6-0; Johnson being temporarily absent.

**IV. ADOPTION OF ORDINANCES CONSENT AGENDA**

(Clerk's Note: Ordinances O2009-64 and Ordinance O2009-67 were continued by motion earlier in the meeting; see above.)

**Motion** (Shoop/Beeson): To adopt Ordinances O2009-65 and O2009-66, as recommended.

**Kuiper** displayed the following titles:

**Ordinance O2009-65**

**An ordinance of the City Council of the City of Yuma, Arizona, annexing to said City portions of Section 36, Township 8 South, Range 23 West and Section 1, Township 9 South, Range 23 West of the Gila & Salt River Base and Meridian, Yuma County, Arizona, and amending Chapter 154 of the Yuma City Code, as amended, designating the zoning of certain property to the Light Industrial District, and amending the zoning map to conform thereto, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and amendments thereto (Annexation Area A2009-06: Gila Ridge Road and Avenue 3E) (Admin/EcDev)**

**Ordinance O2009-66**

**An ordinance of the City Council of the City of Yuma, Arizona, annexing to said City a portion of Section 10, Township 10 South, Range 23 West of the Gila & Salt River Base and Meridian, Yuma County, Arizona, pursuant to the provisions of Title 9, Chapter 4, Article 7, Arizona Revised Statutes and amendments thereto (Annexation Area A2009-12: County 17½ Street and Avenue 1½E) (Admin/EcDev)**

Roll call vote: **adopted** 7-0.

**V. INTRODUCTION OF ORDINANCES**

**Kuiper** displayed the following title:

**Ordinance O2009-68**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, rezoning certain property hereinbefore located in the Agriculture (AG) District to the Suburban Ranch (SR-2) district and amending the zoning map to conform thereto (Applicant: City of Yuma on behalf of the Robert and Marilyn Dance Trust 6/24/97; rezoning of property: 1549 E. 72<sup>nd</sup> Street, also known as 1685 E. County 16<sup>th</sup> Street; Z2009-013) (DCD/Planning)**

**VI. PUBLIC HEARINGS**

(Clerk's Note: The Public Hearings were addressed earlier in the meeting; see above.)

**VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

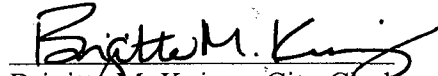
**Motion** (Mayor Nelson/McClendon): To appoint Bill Moody to the Design and Historic Review Commission, filling the position of Rio Colorado Chapter of the Arizona Historical Society. Voice vote: **adopted 7-0.**

**Nicholls** requested the Legal Department research local preference including the possibility of Charter amendments and brief City Council at the next Regular Worksession and City Council Meeting.

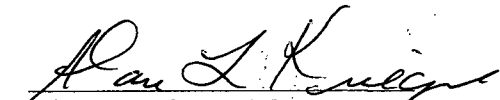
**VIII. SUMMARY OF CURRENT EVENTS - none**

**IX. EXECUTIVE SESSION/ADJOURNMENT**

**Motion** (Shoop/Johnson): To adjourn the meeting. Voice vote: **adopted 7-0.** The meeting adjourned at 10:20 p.m.

  
Brigitta M. Kuiper, City Clerk

APPROVED:

  
Alan L. Krieger, Mayor

